

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

SHONNAH MARIE BROWN

PLAINTIFF

V.

NO. 4:06CV00220-WRW

RON BALL, ET AL.

DEFENDANTS

RECOMMENDED DISPOSITION

I. Procedure for Filing Objections

The following recommended disposition has been sent to United States District Judge William R. Wilson, Jr. Any party may serve and file written objections to this recommendation. Objections should be specific and should include the factual or legal basis for the objection. If the objection is to a factual finding, specifically identify that finding and the evidence that supports your objection. An original and one copy of your objections must be received in the office of the United States District Court Clerk no later than eleven (11) days from receipt of the recommendations. A copy will be furnished to the opposing party. Failure to file timely objections may result in a waiver of the right to appeal questions of fact.

If you are objecting to the recommendation and also desire to submit new, different, or additional evidence, and to have a hearing for this purpose before the District Judge, you must, at the same time that you file your written objections, include the following:

1. Why the evidence desired to be introduced at the requested hearing was not offered to the Magistrate Judge for consideration.
2. The detail of any testimony desired to be introduced at a hearing before the District Judge in the form of an offer of proof, and a copy, or the original, of any documentary or other non-testimonial evidence desired to be introduced at the hearing before the District Judge.

From this submission, the District Judge will determine the necessity for an evidentiary hearing, either before the Magistrate Judge or before the District Judge.

Mail your objections or request for a hearing to:

Clerk, United States District Court
Eastern District of Arkansas
600 West Capitol Avenue, Suite 402
Little Rock, AR 72201-3325

II. Background

Plaintiff filed a *pro se* Complaint (docket entry #2) on February 15, 2006, under 42 U.S.C. § 1983, and was granted leave to proceed *in forma pauperis* by Order of April 26, 2006 (docket entry #11).

Plaintiff has failed to respond to the Court's Order of April 26, 2007 (docket entry #25) requiring her to submit current information regarding her financial status now that she is no longer incarcerated in the Arkansas Department of Correction, as evidenced by her Notice of Change of Address (docket entry #24) filed March 5, 2007. Without current financial information, the Court cannot determine whether the Plaintiff should be

required to pay all, or a portion of, the remaining fees and costs of this lawsuit at this time. There is currently a balance of \$158.92 owing on the filing fee.

III. Conclusion

Because the Plaintiff has failed to respond to the Court's Order either to submit a current *in forma pauperis* application or to pay the remaining balance of the filing fee, it is recommended that her Amended Complaint (docket entry #10) be DISMISSED WITHOUT PREJUDICE under Local Rule 5.5(c)(2) of the Eastern District of Arkansas. The evidentiary hearing set for November 19, 2007 is canceled and existing deadlines established in the Scheduling Order (docket entry #27) are terminated.

DATED this 31st day of May, 2007.



UNITED STATES MAGISTRATE JUDGE